IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.1474 of 2005
Date of Decision:- 13.11.2006

Sukhjeevan Kaur ....Petitioner

through
Mr.J.S.Toor, Advocate.

vs.

Gurdial Kaur ....Respondent

through
Mr.Rajan Bansal, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The respondent (Gurdial Kaur) had filed R.S.A.No.1123 of 1990 which she withdrew on 17.8.2001 on the basis of some "alleged compromise" between the parties. Thereafter, the petitioner moved C.M.No.3039-C of 2003 for modification of the order dated 17.8.2001 on the ground that she was not a party to any compromise as referred to in the order dated 17.8.2001 vide which the regular second appeal was dismissed as withdrawn.

During the pendency of the above-stated miscellaneous application, this Court vide order dated 15.9.2003 directed that the land in dispute shall not be alienated. The above-stated miscellaneous application was finally disposed of on May 04, 2004. Much after that, the respondent on 2.11.2005 has sold a part of the land by way of registered sale deed, Annexure P-3.

Alleging that in view of the alienation having been stayed by this Court on 15.9.2003, the execution of the above-stated sale deed tantamounts to wilful and deliberate disobedience of the interim order, this

contempt petition has been filed.

After hearing learned counsel for the parties and having regard to the fact that on 2.11.2005 when the sale deed (Annexure P-3) was executed by the respondent, neither the regular second appeal preferred by her nor the miscellaneous application moved by the petitioner were pending as the same had already been disposed of and, thus, the interim order dated September 15, 2003 was no longer in existence, I am of the considered view that no case to initiate proceedings under the Contempt of Courts Act, 1971 is made out.

Shri Toor, learned counsel, however, contends that since the cross-objections filed by the petitioner were pending on 2.11.2005, the interim order dated September 15, 2003 shall be deemed to be operative. It is also contended by him that there is no order specifically vacating the said interim order.

I do not find any substance in both the contentions. The interim order dated 15.9.2003 was passed in C.M.No.3039-C of 2003 which in turn was moved in R.S.A.No.1123 of 1990. On the date when the sale deed Annexure P-3 was executed, neither the above-stated regular second appeal nor the miscellaneous application were pending. The interim order dated 15.9.2003 also stood merged in the final order dated May 04, 2004 passed in the miscellaneous application and hence it cannot be said that the respondent has violated any order passed by this Court, much less wilfully or deliberately.

This contempt petition is dismissed.

Rule discharged.

November 13, 2006 **(SURYA KANT)**
poonam **JUDGE**